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Office Supreme Court,
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MAR 5 1920
JAMES D. MAHER

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1919.

No. ~~756.~~ 263

CITY OF SAN ANTONIO ET AL., APPELLANTS,

vs.

SAN ANTONIO PUBLIC SERVICE COMPANY,
APPELLEE.

MOTION TO ADVANCE.

Come now the City of San Antonio and Sam C. Bell, Ray Lambert, Louis Heuermann, Andres Coy, Phil Wright, and R. J. McMillan, appellants, and move that the above-entitled cause be advanced upon the docket of this court, and in support of such motion respectfully show to the court—

The City of San Antonio and its officers, appellants, have been enjoined by final decree of the United States District Court for the Western District of Texas from enforcing certain franchise ordinance and other ordinances requiring appellee, the San Antonio Public Service Company, to furnish street-car transportation within the city of San Antonio for a fare of five cents with universal transfer. Appellant City asserts that it has a franchise contract with appellants

for such service, and that the lower court was without jurisdiction in the case and the bill without equity. Appellee asserts that the city was without authority under the constitution and laws of the State of Texas to make such a contract; that the enforcement of the ordinance was a taking of its property without due process of law.

The contention of appellee was sustained by the district court. The case is of public importance, because of the nature of the questions involved and of peculiar importance to the public of the State of Texas, because of the construction put by the trial court upon the constitution of the State as applied to franchise agreements by the public service companies and municipalities relating to rates. An early disposition of the case is of prime importance to the people of the city of San Antonio, because as the matter now stands the city is enjoined from enforcing the ordinances involved in this case and is precluded by the pendency of this appeal from altering or repealing said ordinances by passing other regulations.

Counsel for appellee have accepted service of a copy of this motion and agree to an advancement of the case if consistent with the rules and business of this court.

Respectfully submitted,

ROBERT J. McMILLAN,
Solicitor for Appellants.